

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
SE/S Loch Raven Boulevard, 740' SW c/line		
Taylor Avenue	*	ZONING COMMISSIONER
<b>(6819 Loch Raven Boulevard)</b>		
	*	FOR
9 <sup>th</sup> Election District		
5 <sup>th</sup> Council District	*	BALTIMORE COUNTY
Iman Crown, Inc.	*	<b>Case No. 2009-0144-SPH</b>
Petitioner		

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Humayun Sheikh, President of Iman Crown, Inc., legal owner. The Petitioner requests a special hearing seeking approval of a modification to the previously approved plan, to replace the permitted rollover/retail use with a self-service car wash, and to amend zoning Case No. 08-032-SPHXA. The subject property and requested relief are more particularly described on the site plan submitted into evidence at the hearing and marked as Petitioner's Exhibit 1.

By way of background, Deputy Zoning Commissioner Thomas H. Bostwick, by his Order dated October 19, 2007, allowed revisions to a previously approved development plan by granting variances, affirmed different existing conditions as non-conforming and approved additional uses to the site of a convenience store and a single rollover car wash in combination with a fuel service station. *See* Case No. 08-032-SPHXA. To the extent applicable, the findings and conclusions set forth therein are adopted by reference in this case.

Patrick C. Richardson, Jr., P.E. and Humayun Sheikh now return to this Commission requesting that the Petitioner be permitted to eliminate the rollover car wash and convenience store uses that were to be located inside a 30' x 45' building shown on Petitioner's Exhibit 1 and

convert or substitute the building's usage to that of two (2) self-serve car wash bays. Mr. Sheikh stated that the decision to eliminate the convenience store is due in chief to five (5) new carry-out stores opening in the surrounding shopping center areas in the past year. Other than the self-serve car washes in place of the rollover car wash and convenience store, everything else remains exactly the same. The elimination of the convenience store reduces the area requirement for the site. There will be six (6) stacking spaces for the two (2) car wash bays (four [4] for the first and two [2] for the second) which is less than the previously approved plan showing nine (9) spaces. That is to say, the parking requirement will actually be reduced by one (1) since the car wash will require two (2) drying spaces instead of three (3) spaces required for the carry-out restaurant. I find that these changes are within the spirit and intent of the previously approved plan and that there is a reduction in the intensity of the use. Accordingly, I shall confirm the previous findings of Mr. Bostwick and note that the proposed modification to the plan is in accord with the Baltimore County Zoning Regulations (B.C.Z.R.) Section 104 that controls changes involving non-conforming uses.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by the County reviewing agencies, and no one appeared in opposition. The Office of Planning had suggested seven (7) conditions upon plan approval. Several of these concerns are no longer applicable as a Final Landscape Plan has been approved by Avery Harden, the County's Landscape Architect. *See* Petitioner's Exhibit 2.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of February 2009, that the Petition for Special Hearing seeking a modification to the

previously approved plan, to replace the approved rollover/retail use with a self-service car wash, and to amend zoning Case No. 08-032-SPHXA, in accordance with Petitioner's Exhibits 1 and 2,

be and are hereby GRANTED, subject to the following conditions:

- 1) The Petitioner shall submit building elevations of the proposed car wash facility to the Office of Planning for review and approval.
- 2) The building façade(s) of the proposed structures must be brick and shall be submitted to the Office of Planning for review and approval.
- 3) The Petitioner shall be required to post its bond and obtain a State Highway Access Permit to the points of ingress/egress from the subject property along Loch Raven Boulevard (MD Route 542).

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

WJW:dlw

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SIGNED  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County